

Message Text

LIMITED OFFICIAL USE

PAGE 01 MANILA 04815 162312Z

73

ACTION EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 L-02 SS-15 NSC-05 /045 W

----- 045240

R 161018Z APR 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 2311

LIMITED OFFICIAL USE MANILA 4815

E.O. 11652: NA

TAGS:EAIR, RP

SUBJECT: CIVAIR -- PHIL CAB REPLY TO USCAB LETTER

REF: (A) MANILA 4589 (B) STATE 070925

1. EMBASSY TODAY RECEIVED COPY OF PHILIPPINE CAB CHAIRMAN ASPIRAS' REPLY TO ACTING USCAB CAHIRMAN O'MELIA LETTER. ORIGINAL MAILED APRIL 15. TEXT OF LETTER AS FOLLOWS: QUOTE IN ACCORDANCE WITH OUR COMMITMENTS UNDER THE INTERIM AGREEMENT OF AUGUST 10, 1974, THE BOARD WITHOUT DELAY APPROVED THE APPLICATIONS OF PAN AMERICAN WORLD AIRWAYS AND NORTHWEST ORIENT AIRLINES TO INCREASE THEIR B-747 SERVICES ON THE EXISTING AUTHORIZED ROUTES TO FOUR TIMES A WEEK EACH, SUBJECT TO THE CONDITION THAT PHILIPPINES AIRLINES' FULL RIGHTS UNDER THE INTERIM AGREEMENT SHALL CONTINUE TO BE HONORED BY THE UNITED STATES GOVERNMENT. THE BOARD LIKEWISE APPROVED THE CONTINUATION OF FLYING TIGER'S EXISTING COMMERCIAL ALL-CARGO OPERATIONS AND WILL CONTINUE TO DO SO FOR AS LONG AS THE INTERIM AGREEMTN EXISTS.

WE WISH, HOWEVER, TOMAKE A RESERVATION AT THIS TIME TO YOUR STATEMENT THAT OUR "REFUSAL... TO RESTORE (PAN AMERICAN'S) ALL CARGO-OPERATIONS CAN ONLY BE CONSTRUED AS A BREACH OF THE INTERGOVERNMENTAL UNDERSTANDING." WE HAVE REVIEWED THIS MATTER THOROUGHLY IN CAB CASE NO. EP-2984 AND THERE CAN BE NO OTHER CONCLUSION BUT THAT THE TEMPORARY LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MANILA 04815 162312Z

PERMITS GRANTED BY THE BOARD TO PAN AMERICAN WERE FOR THE

OPERATION OF "MILITARY ALL-CARGO FLIGHTS" ONLY AND, WHAT IS MORE, PAN AMERICAN ITSELF SO CHARACTERIZED THOSE FLIGHTS TO BE. IT WAS ONLY IN ANSWER TO PAL'S VERIFIED COMPLAINT IN CAB CASE NO. SR-04 (74) THAT PAN AMERICAN DISCLOSED FOR THE FIRST TIME TO THE BOARD THAT SUCH ALL-CARGO FLIGHTS HAD BEEN OPERATED AS "COMMERCIAL" ALL-CARGO FLIGHTS. ACCORDINGLY, THE BOARD CAN NOT ALLOW THE CONTINUED OPERATION OF SUCH MILITARY ALL-CARGO FLIGHTS AFTER PAN AMERICAN ITSELF ADMITTED THAT THEY HAVE BEEN OPERATED AS "COMMERCIAL" ALL-CARGO FLIGHTS IN VIOLATION OF THE TEMPORARY PERMITS GRANTED BY THE BOARD. IF PAN AMERICAN WERE NOT CONVINCED OF THE CORRECTNESS OF THE BOARD'S DECISION IN CAB CASE NO. EP-2984, IT SHOULD HAVE AVailed OF THE REMEDY OF APPEAR IN ACCORDANCE WITH LAW.

AT THIS JUNCTURE, WE SHOULD ALSO LIKE TO REITERATE THAT PAN AMERICAN'S MILITARY ALL-CARGO FLIGHTS WERE NOT EVEN DISCUSSED AND DO NOT FORM PART OF THE AUGUST 10, 1974 INTERIM AGREEMENT.

WE UNDERSTAND THAT PAN AMERICAN HAS NO PRESENT INTENTION OF INTRODUCING COMMERCIAL ALL-CARGO FLIGHTS TO MANILA AT THIS TIME AND BECAUSE OF THIS IT POSES AN IMMEDIATE PROBLEM. IN THIS CONNECTION, IT IS OUR POSITION THAT THE CONTINGENT OPERATION BY PAN AMERICAN OF COMMERCIAL ALL-CARGO FLIGHTS BETWEEN THE U.S. AND MANILA MAY BE THE SUBJECT OF FUTURE NEGOTIATIONS BETWEEN OUR TWO GOVERNMENTS IF AND WHEN PAN AMERICAN DESIRES TO INAUGURATE SUCH SERVICES. UNQUOTE

2. COMMENT: LETTER TAKES A LINE WHICH, AS EMBASSY PREDICTED, IS PURE AND VINTAGE PAL, AND IT DOES SO A WEEK AFTER PAL AND PAN AM HAVE INAUGURATED THEIR NEW SCHEDULES. IT IS UNFORTUNATE THAT WE NOW HAVE A WRITTEN RECORD OF OUR MOST EXTREME FILIPINO POSITION ON THIS ISSUE. EMBASSY WILL CONTINUE, HOWEVER, TO TAKE POSITION WITH THE FILIPINOS AND WITH CARRIERS THAT THE OFFICIAL U.S. GOVERNMENT INTERPRETATION OF THE AUGUST 10, 1974 AGREEMENT IS AS CONTAINED IN THE EMBASSY'S NOTE OF MARCH 31, 1975 AND IN PRECEDING NOTES TO DFA. SULLIVAN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AVIATION AGREEMENTS, AIR ROUTES, AIR SCHEDULES
Control Number: n/a
Copy: SINGLE
Draft Date: 16 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: RowellE0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MANILA04815
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750133-1073
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750446/aaaabqyo.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 MANILA 4589, 75 STATE 070925
Review Action: RELEASED, APPROVED
Review Authority: RowellE0
Review Comment: n/a
Review Content Flags:
Review Date: 23 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 JUL 2003 by BoyleJA>; APPROVED <19 NOV 2003 by RowellE0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR -- PHIL CAB REPLY TO USCAB LETTER
TAGS: EAIR, RP, PANAM, NORTHWEST ORIENT AIRLINES
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006